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JUDICIAL PANEL ON
MULTIDISTRICT
LITIGATION

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5:96-cv-287-BR

DAVID W. DANIEL, CLERK
U.S. DISTRICT COURT
E. DIST. NO. CAR

DOCKET NO. 1132

FILED
CLERK'S OFFICE

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE EXTERIOR INSULATION FINISH SYSTEM (EIFS) PRODUCTS
LIABILITY LITIGATION**

Bruce F. Bryant, et al. v. Dryvit Systems, Inc., et al., C.D. Illinois, C.A. No. 2:98-2194

**BEFORE JOHN F. NANGLE, CHAIRMAN, WILLIAM B. ENRIGHT,
CLARENCE A. BRIMMER, JOHN F. GRADY, BAREFOOT SANDERS,
LOUIS C. BECHTLE AND JOHN F. KEENAN, JUDGES OF THE PANEL**

TRANSFER ORDER

Presently before the Panel is a motion by plaintiffs in the above-captioned action (*Bryant*), pursuant to Rule 7.4, R.P.J.P.M.L., 181 F.R.D. 1, 10 (1998), to vacate the Panel's order conditionally transferring *Bryant* to the Eastern District of North Carolina for inclusion in the Section 1407 proceedings occurring there in this docket. Defendants favor inclusion of *Bryant* in centralized pretrial proceedings in the North Carolina court.

On the basis of the papers filed and the hearing held, the Panel finds that *Bryant* involves common questions of fact with actions in this litigation previously transferred to the Eastern District of North Carolina, and that transfer of *Bryant* to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. The Panel further finds that transfer of this action is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. *See In re Exterior Insulation Finish System (EIFS) Products Liability Litigation*, MDL-1132 (J.P.M.L. October 4, 1996) (unpublished order).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. §1407, *Bruce F. Bryant, et al. v. Dryvit Systems, Inc., et al.*, C.D. Illinois, C.A. No. 2:98-2194, be, and the same hereby is, transferred to the Eastern District of North Carolina and, with the consent of that court, assigned to the Honorable W. Earl Britt for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

Certify the foregoing to be a true
and correct copy of the original.

Clerk

United States District Court
Eastern District of North Carolina

By John F. Nangle
Deputy Clerk

FOR THE PANEL:

John F. Nangle
John F. Nangle
Chairman

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